



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

December 27, 2013

Excelsior Mortgage Equity Fund II LLC
5800 SW Meadows Rd, Ste 230
Lake Oswego OR 97035

RE: Water Right Change Application No. CG3-00670C@2 (DOUG 13-03)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Douglas County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CFS		MAXIMUM GPM		MAXIMUM AC-FT/YR		TYPE OF USE, PERIOD OF USE	
		130		134		102ac-ft/yr continuous for irrigation 32 ac-ft/yr 4/1-10/31 for irrigation	
SOURCE						TRIBUTARY OF (IF SURFACE WATER)	
1 well							
1/4	1/4	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY.	
Gov. Lot 13		5	20	22	41	Douglas	
AT A POINT LOCATED (PARCEL NO.)							
20220510000							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
<u>Tax Parcel No. 20-22-04-300-03:</u>							
That portion of the Northeast quarter of the Southwest quarter and the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter all of Section 4, Township 20 North, Range 22 East of the Willamette Meridian (E.W.M.), Douglas County, Washington, described as follows: Beginning at the Southeast corner of the said Section 4; thence along the South line of the said Section South 89°31'10" West 2666.57 feet to the South quarter corner of the said Section 4 as monumented by a found 1" iron pipe; thence North 19°03'10" East 1149.60 feet to the Point of Beginning of this description and a point on the westerly right of way line of State Highway 28 and a point on a curve whose tangent bears North 12°00'31" West; thence northerly along the said curve whose radius is 6478.50 feet through a central angle right of 01°47'48" for a distance of 203.15 feet to the North line of the said Southwest quarter of the Southeast quarter							

File Copy

Legal Description Continued

of the said Section 4; thence along the said North line South 88°58'33" West 397.32 feet to the Northwest corner of the said subdivision; thence continuing along the same line South 88°58' 33" West 307.99 feet; thence North 02°44'12" West 1157.44 feet; thence South 88°26'47" West 623.17 feet; thence South 02°37'51" East 650.00 feet; thence South 24°16'29" East 379.57 feet; thence South 65°12'23" East 180.26 feet; thence South 06°16'27" West 276.41 feet; thence North 88°58'33" East 1103.40 feet to the Point of Beginning and the end of this description.

(Ptns. SW¼SE¼, SE¼SW¼, NE¼SW¼, Sec. 4, T. 20 N., R. 22 E.W.M., Douglas County, Washington)

Tax Parcel No. 20-22-04-100-03:

That portion of the following described property lying westerly of the westerly right of way for Primary State highway No. 10: Beginning at the Southeast corner of Government Lot 8, Section 4, Township 20 North, Range 22 E.W.M., Douglas County, Washington, and run thence North along the section line between Sections 3 and 4, for 53½ rods; thence turning to the left and running along a line parallel with the South line of said Section 4, to the West line of Lot 6 in said Section 4; thence South on a line parallel with the section line between said Sections 3 and 4 for 53½ rods; thence easterly along a line parallel to the South line of said Section 4 to the Point of Beginning, EXCEPT portions conveyed to the State of Washington for road and highway by Deeds in Book 67 at Page 395 and Auditor's File No. 120750 in Book 131 at Page 344.

(Ptns. NE¼NW¼ (a/k/a Gov. Lot 6) and NW¼NE¼ (a/k/a Gov. Lot 7) Sec. 4, T. 20 N., R. 22 E.W.M., Douglas County, Washington)

Tax Parcel No. 20-22-04-400-02:

That portion of the following described property lying westerly of the westerly right of way limit for Primary State Highway No. 10: Government Lot 10 and the North half of the Southeast quarter of Section 4, Township 20 North, Range 22 E.W.M., Douglas County, Washington.

(Ptns. SW¼NE¼ (a/k/a Gov. Lot 10) and NW¼SE¼, Sec. 4, T. 20 N., R. 22 E.W.M., Douglas County, Washington)

Tax Parcel No. 20-22-09-000-01:

That portion of Section 9, Township 20 North, Range 22 E.W.M., Douglas County, Washington, which lies northeasterly of the Great Northern Railway right of way, and southwesterly of a line 50 feet southwesterly from and parallel to the center line of the unused railroad right of way running through said section and which lies northerly of the county road right of way conveyed to Douglas County, Washington, by Deeds recorded as Auditor's File No. 135714, in Book 150, Page 130.

(Ptns. NW¼NW¼ and NE¼NW¼, Sec. 9, T. 20 N., R. 22 E.W.M., Douglas County, Washington)

Legal Description Continued

Tax Parcel No. 20-22-04-200-01:

Unused right of way in Lots 3, 4, 5, 6, 11 and 12 and the Northwest quarter of the Southwest quarter and conveyed to Thomas F. Roddy by Treasurer's Deed recorded in Book 99 of Deeds, page 376, Douglas County, Washington, in Section 4, Township 20 North, Range 22 E.W.M., Douglas County, Washington.

(Ptns. NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ (a/k/a Gov. Lot 12), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (a/k/a Gov. Lot 11), NW $\frac{1}{4}$ NW $\frac{1}{4}$ (a/k/a Gov. Lots 4 & 5), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (a/k/a Gov. Lots 3 & 6), Sec. 4, T. 20 N., R. 22 E.W.M., Douglas County, Washington)

Tax Parcel No. 20-22-04-300-02

That portion of the following property lying westerly of the westerly right of way limit for Primary State Highway No. 10:

The South half of the Southeast quarter and the East half of the Southwest quarter of Section 4, Township 20 North, Range 22 E.W.M., Douglas County, Washington.

EXCEPT the unused right of way in Lots 3, 4, 5, 6, 11 and 12 and the Northwest quarter of the Southwest quarter and conveyed to Thomas F. Roddy by Treasurer's Deed recorded in Book 99 of Deeds, page 376, Douglas County, Washington, in Section 4, Township 20 North, Range 22 E.W.M., Douglas County, Washington.

AND EXCEPT That portion of the Northeast quarter of the Southwest quarter and the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter all of Section 4, Township 20 North, Range 22 E.W.M., Douglas County, Washington, described as follows:
Beginning at the Southeast corner of the said Section 4; thence along the South line of the said Section South 89°31'10" West 2666.57 feet to the South quarter corner of the said Section 4 as monumented by a found 1" iron pipe; thence North 19°03'10" East 1149.60 feet to the Point of Beginning of this description and a point on the westerly right of way line of State Highway 28 and a point on a curve whose tangent bears North 12°00'31" West; thence northerly along the said curve whose radius is 6478.50 feet through a central angle right of 01°47'48" for a distance of 203.15 feet to the North line of the said Southwest quarter of the Southeast quarter of the said Section 4; thence along the said North line South 88°58'33" West 397.32 feet to the Northwest corner of the said subdivision; thence continuing along the same line South 88°58'33" West 307.99 feet; thence North 02°44'12" West 1157.44 feet; thence South 88°26'47" West 623.17 feet; thence South 02°37'51" East 650.00 feet; thence South 24°16'29" East 379.57 feet; thence South 65°12'23" East 180.26 feet; thence South 06°16'27" West 276.41 feet; thence North 88°58'33" East 1103.40 feet to the Point of Beginning and the end of this description.

(Ptns. NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 20 N., R. 22 E.W.M., Douglas County, Washington.)

PARCEL NO.	¼	¼	SECTION	TOWNSHIP	RANGE
20220430003	S½ and NE	SW	4	20	22
20220410003	NE	NW	4	20	22
	NW	NE	4	20	22
20220440002	SW	NE	4	20	22
	NW	SE	4	20	22
20220900001	NW and NE	NW	9	20	22
20220420001	N½ and SE	SW	4	20	22
20220430002		NW	4	20	22
	S½	SE	4	20	22
	E½	SW	4	20	22
DEVELOPMENT SCHEDULE					
BEGIN PROJECT BY THIS DATE:		COMPLETE PROJECT BY THIS DATE:		WATER TO PUT TO FULL USE BY THIS DATE:	
December 30, 2015		December 30, 2020		December 30, 2028	

Ecology has **MODIFIED** the decision of the Board as follows:

1. The Board's decision has been modified as noted in the table above.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>



Mark Kemner, LHG, Section Manager
Water Resources Program/CRO

MK:SP:ss/131222

Enclosures: Your Right to Be Heard
Construction Notice
Water Measuring Requirements and Form 1

By Certified Mail: 7010 0290 0000 7126 5428

cc: Donald L. Dimmitt, Attorney